EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3 DOCKET NO.: 2007-1939-PST-E TCEQ ID: RN102485737 CASE NO.: 35036 RESPONDENT NAME: JE JALARAM INC. DBA JC'S FOOD MART

ORDER TYPE:							
_1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING					
X FINDINGS DEFAULT ORDER	X_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER					
_AMENDED ORDER	_EMERGENCY ORDER						
CASE TYPE:							
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE					
PUBLIC WATER SUPPLY	X PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION					
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL					
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION					
TYPE OF OPERATION: Convenience store with retail sales of gasoline SMALL BUSINESS: X Yes No OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location. INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter. COMMENTS RECEIVED: The Texas Register comment period expired on April 20, 2009. No comments were received. CONTACTS AND MAILING LIST: TCEQ Attorney: Mr. Barham A. Richard, Litigation Division, MC 175, (512) 239-0107 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0109 TCEQ Enforcement Coordinator: Ms. Elvia Maske, Waste Enforcement Section, MC 128, (512) 239-0789 TCEQ Regional Contact: Mr. Brad Genzer, Corpus Christi Regional Office, MC R-14, (361) 825-3106 Respondent: Mr. Jayesh Patel, Director, JE Jalaram Inc., 1100 East Inez Street, Beeville, Texas 78102 Respondent's Attorney: Not represented by counsel on this enforcement matter.							

RESPONDENT NAME: JE JALARAM INC. DBA JC'S FOOD MART DOCKET NO.: 2007-1939-PST-E

VIOLATION SUMMARY CHART:								
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED						
Type of Investigation:	Total Assessed: \$16,320	Ordering Provision(s):						
Complaint Routine Enforcement Follow-up Records Review Date of Complaint Relating to this Case: None	Total Deferred: \$0 Expedited Order Financial Inability to Pay SEP Conditional Offset Total Due to General Revenue: \$16,320	The Respondent's UST delivery certificate is revoked immediately upon the effective date of this Order. The Respondent may submit an application for a new delivery certificate only after the Respondent has complied with all of the requirements set forth in this Order.						
Date of Investigation Relating to this Case: August 8, 2007	This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.	The Respondent shall undertake the following technical requirements:						
Date of NOE Relating to this Case: November 1, 2007	Site Compliance History Classification High X Average Poor	Immediately: a. Cease dispensing fuel from the USTs;						
Background Facts: The EDPRP was filed May 19, 2008, and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," the Respondent received notice of the EDPRP on May 22, 2008. A Notice of Intent ("NOI") to Shutdown non-compliant USTs was mailed to the Respondent on January 9, 2009. According to the return receipt "green card," the Respondent received the NOI on January 12, 2009. The Respondent failed to answer the EDPRP, failed to request a hearing, and failed to schedule a settlement conference. Current Compliance Status: The TCEQ received a UST Registration and Self-Certification form from the Respondent on January 26, 2009. The Respondent's delivery certificate expires February 2010.	Person Compliance History ClassificationHighX_ AveragePoor Major Source:YesX_ No Applicable Penalty Policy: September 2002	 b. Cease receiving deliveries of regulated substances into the USTs; c. Padlock the dispensers; d. Empty the USTs of all regulated substances; and e. Temporarily remove the USTs from service. 2. Within 10 days, send its UST delivery certificate to the TCEQ. 3. Within 15 days, submit a written report documenting the steps taken to comply with Ordering Provision Nos. 1.a. through 1.e. and 2. 4. Prior to resuming retail sales of gasoline, begin conducting effective manual or automatic inventory control procedures for all USTs. 						
PST: 1. Failed to provide a method of release detection capable of detecting a release from any portion of the UST system which contained regulated substances [30 Tex. Admin. Code § 334.50(a)(1)(A) and Tex. WATER CODE § 26.3475(c)(1)].		5. Prior to resuming retail sales of gasoline: a. Begin maintaining all UST records; b. Implement a release detection method for all USTs at the Facility; and c. Submit an application for a new delivery certificate.						
 Failed to have the required UST records maintained, readily accessible, and make them available for inspection upon request by agency personnel [30 Tex. ADMIN. CODE § 334.10(b)]. Failed to notify the agency of any change or additional information regarding USTs within 30 		 6. Within 10 days of resuming retail sales of gasoline, submit written certification to demonstrate compliance with Ordering Provision Nos. 4 and 5. 7. The Respondent's USTs shall remain out of service until such time as the Respondent demonstrates it has corrected the violetices. 						
days from the date of the occurrence of the change or		the violations.						

addition and failed to timely renew a previously

RESPONDENT NAME: JE JALARAM INC. DBA JC'S FOOD MART DOCKET NO.: 2007-1939-PST-E

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
ssued UST delivery certificate by submitting a properly completed UST Registration and Self-Certification form at least 30 days before the expiration date [30 Tex. ADMIN. CODE §§ 334.7(d)(3), 334.8(c)(4)(A)(vii), (c)(4)(B) and c)(5)(B)(ii)].		8. If the Respondent elects to permanently remove from service any USTs at the Facility, the Respondent shall permanently remove those USTs system in accordance with 30 Tex. ADMIN. CODE § 334.55.
Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the JSTs [30 Tex. ADMIN. CODE § 334.8(c)(5)(A)(i) and Tex. WATER CODE § 26.3467(a)].		
5. Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel [30 Tex. ADMIN. CODE § 334.48(c)].		
· ·		
		·
	•	

and the same	Penalty Calculation	n Worksheet (P	•	
Policy Revision 2 (Septe	ember 2002)		PCW Revision No	vember 6, 2007
DATES Assigned PCW	12-Nov-2007 10-Mar-2008	EPA Due		
RESPONDENT/FACILITY	INFORMATION			
	JE Jalaram Inc. dba JC's Food Mart			
Reg. Ent. Ref. No.			That:	_
Facility/Site Region	14-Corpus Christi	Major/Minor Source	livinor	
CASE INFORMATION				TO PROVIDE SOLE
Enf./Case ID No.	35036	No. of Violations	5	
	2007-1939-PST-E	Order Type		
	Petroleum Storage Tank		Philip DeFrancesco	
Multi-Media			Enforcement Team 6	
Admin. Penalty \$ L	imit Minimum \$0 Maximum	\$10,000		
	Penalty Calcula	ation Section		
TOTAL BASE PENAL	TY (Sum of violation base penalti	es)	Subtotal 1	\$16,000
ADJUSTMENTS (+/-)	TO SUBTOTAL 1 ed by multiplying the Total Base Penalty (Subtotal 1) b	w the indicated percentage		
Compliance Histo	and the first of t		totals 2, 3, & 7	\$320
			And the second s	
Notes	Enhancement for one prior NOV wit	h dissimilar violations.		
Culpability	No 0%	• Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet th	e culpability criteria.		
Good Falth Effort	to Comply 0% Before NOV NOV to EDPRP/Settlement Offer	The control of the co	Subtotal 5	\$0
Extraordinary				
Ordinary N/A	X (mark with x)			
]	
Notes	The Respondent does not meet the	e good faith criteria.		
	Total EB Amounts \$114 *Cappe	Enhancement* d at the Total EB \$ Amount	Subtotal 6	\$0
Approx. C	Cost of Compliance \$2,200			
SUM OF SUBTOTALS	1-7		Final Subtotal	\$16,320
OTHER FACTORS AS	JUSTICE MAY REQUIRE btotal by the indicated percentage.	0%	Adjustment	\$0
Notes				
	and the second s	Final Pe	nalty Amount	\$16,320
			many Amount	¥10,020
STATUTORY LIMIT A	DJUSTMENT	Final Asso	essed Penalty	\$16,320
DEFERRAL Reduces the Final Assessed Pena	ilty by the indicted percentage. (Enter number only; e.	0% Reduction g. 20 for 20% reduction.)	Adjustment	\$0
Notes	Deferral not offered for non-exp	edited settlement.		
<u>L</u>	· · · · · · · · · · · · · · · · · · ·		Ĺ	

\$16,320

PAYABLE PENALTY

Screening Date 19-Nov-2007

Docket No. 2007-1939-PST-E

PCW

Respondent JE Jalaram Inc. dba JC's Food Mart

Case ID No. 35036

Reg. Ent. Reference No. RN102485737

Media [Statute] Petroleum Storage Tank

Policy Revision 2 (September 2002) PCW Revision November 6, 2007

	y Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	1	2%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions.	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Plea	se Enter Yes or No	,
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment P	ercentage (Su	ıbtotal 2)
t Violator (Su	ibtotal 3)		
No	Adjustment P	ercentage (Su	ıbtotal 3)
iance Histor	y Person Classification (Subtotal 7)		
Average F	Performer Adjustment P	ercentage (Su	ıbtotal 7)
iance Histor	y Summary		Varie.
Compliance History Notes	Enhancement for one prior NOV with dissimilar violations.		

Screening Date	19-Nov-2007		Docket No. 2007-1	939-PST-E	PCW
Respondent	JE Jalaram In	c. dba JC's Food Mart		F	Policy Revision 2 (September 2002)
Case ID No.		•			PCW Revision November 6, 2007
Reg. Ent. Reference No.					
Media [Statute]					
Enf. Coordinator		cesco		•	
Violation Number	1 1				
Rule Cite(s)	30 Tex. /	Admin. Code § 334.50(a)	(1)(A) and Tex. Water (Code § 26.3475(c)(1)
Violation Description		ide a method of release of tion of the UST system v			m any
				Base Pe	enalty \$10,000
>> Environmental, Property a	and Human	Health Matrix			
		Harm	1855 Syrap (61 / 48 13 1 / 24) 94 / 61 (1 sm. 54 38 SW0) (1 sm. 54)	AND REAL PROPERTY OF THE PARTY	•
Release	Major	Moderate Minor			
OR Actual Potential			Percen	ıt 25%	
Poteritiai	X[rercen	20 /6	
>>Programmatic Matrix					
Falsification	Major	Moderate Minor	THE RESIDENCE OF THE PROPERTY		
			Percen	nt 0%	
		system for releases cou eed levels that are protec as a result of th	tive of human health or		
7 (4) (4) (4) (4) (4) (4) (4) (4) (4) (4)			Adjustm	ent \$	7,500
ett de finit finit sig labit a des et laboret labit in de laboret labit des describes de laboret en de laboret Laboret labit de laboret	OCCUPACION STATEMENT STATEMENT AND		AND COLOR TO THE COLOR AND A PROMOTED AND THE PROMOTED AN		
					\$2,500
Violation Events					
Number of Vio	olation Events	2	103 Numbe	r of violation days	
mark only one with an x	daily monthly quarterly semiannual annual single event	X		Violation Base Pe	enalty \$5,000
Two quarterly		commended based on dovestigation to the Novem			ust 8,
Economic Benefit (EB) for th	is violation		Statu	tory Limit Test	
	-	omens a mense a management con consentration of a growing of 2 miles A.	7.		
Estimate	d EB Amount	\$	75 Viol	ation Final Penalty	Total \$5,100
•		This violatio	on Final Assessed Pen	nalty (adjusted for li	imits) \$5,100

		conomic	Benefit W	orks	sheet		
Respondent	JE Jalaram Ind	c. dba JC's Food M	art				
Case ID No.							
Reg. Ent. Reference No.		,					
[18] [18] [18] [18] [18] [18] [18] [18]	Petroleum Sto	•				UZTANANGAN TIN	Years of
Violation No.		rage rank				Percent Interest	Depreciation
Violation No.	I Navembera adamente a	The second of the second	n, unat resign site i que prim	4 27 5	n i est du est duament de	Evidriment and princip	and the second of the
				铁铁矿		5.0	15
[발표] : 이 왕이 아들은 이 [12] 글 글 글	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
and the state of t	110 001111120 01.0	"all" talawa" - tata a lasari	a transport and another of the Armite		than a strong at the second second second	produced and a second second	and the second second second second
Delayed Costs	a, in desprishing	er maan waxaa j	grander og er en er	5×5,85	HARAMATA AREST	Lingth depart spay.	na i e si nadiy
Equipment				0.0	S 0	SO 1	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)			-	0.0	\$0	\$0	\$0
Engineering/construction	411-46F-747			0.0	\$0	\$0	\$0
Land				0.0	\$0	vin/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling		1		0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a · · ·	\$0
Permit Costs			* *	0.0	\$0	n/a + //	\$0
Other (as needed)	\$1,500	8-Aug-2007	8-Aug-2008	1.0	\$75	n/a	\$75
Notes for DELAYED costs	The estimate	ed cost of monitorin			ne date required is ate of compliance.	the investigation dat	e and the final
Avoided Costs	ANI	NUALIZE [1] avoid	led costs before e	ntering	item (except for	one-time avoided c	osts)
Disposal	1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	Late to Mark John Company		0.0	\$0	\$0	\$0
Personnel		and the state of the state		0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling		4444000	The second	0.0	\$0	\$0	\$0
Supplies/equipment	A GOARD OF	North Carlotter (1985)		0.0	\$0	\$0	\$0
Financial Assurance [2]		. Hazir — mahalan	tropics in a second	0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	11 A. L. 11 1 11 11 11 11 11 11 11 11 11 11 11			0.0	\$0	\$0	\$0
Other (as needed)	10 10 10 10 10 10 10 10 10 10 10 10 10 1			0.0	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$1,500	1		TOTAL		

Screening Date 19-Nov-2007 Docket No. 2007-1939-PST-E	PCW
Respondent JE Jalaram Inc. dba JC's Food Mart	Policy Revision 2 (September 2002)
Case ID No. 35036	PCW Revision November 6, 2007
Reg. Ent. Reference No. RN102485737	
Media [Statute] Petroleum Storage Tank	
Enf. Coordinator Philip DeFrancesco Violation Number 2	,
Pulo Cito(s)	
30 Tex. Admin. Code § 334.10(b)	
Violation Description Failed to have the required UST records maintained, readily accessible, and make available for the inspection upon request by agency personnel. Base	ce them
	•
>> Environmental, Property and Human Health Matrix Harm	
Release Major Moderate Minor Actual Potential Percent 0%	
>>Programmatic Matrix	
Falsification Major Moderate Minor	
Percent 10%	•
Matrix Notes 100% of the rule requirement was not met.	Eq. (
Adjustment	\$9,000
	\$1,000
	\$1,000
Violation Events	
	·
Number of Violation Events 103 Number of violation days	
daily monthly quarterly violation Base with an x semiannual annual single event x	Penalty \$1,000
One single event is recommended based on documentation of the violation during the August a investigation.	3, 2007
Economic Benefit (EB) for this violation Statutory Limit Test	
Estimated EB Amount \$5 Violation Final Penalt	ty Total \$1,020
This violation Final Assessed Penalty (adjusted for	r limits) \$1,020
	Regard Superantes and the Constitution

	E	conomic	Benefit W	orks	sheet		
Paenondent	and Military To	dba JC's Food M	and the first of the second of the	1 711 50 17	fijik Materiani	a di tirata di ali ke 11 ili 14	e se al como all locares.
Case ID No.		. uba 30 3 1 00u W	ait				
Reg. Ent. Reference No.						Facility and a secretary and the	
	Petroleum Stor	age Tank				Percent Interest	Years of
Violation No.	2						Depreciation
[마시 [14][[14] [14] [14]						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
n de la cignación de la companya de La companya de la co		was a military of	n mulation i de année y la r		uku uke ura gran kenta mi	i Kanada kalendariya daga da	vi tyskim vij.
Delayed Costs			The state of the s	7 00	I ¢o	<u> </u>	60 1
Equipment				0.0	\$0 \$0	\$0 3 \$0	\$0 \$0
Buildings				0.0	\$0	\$0 \$0	\$0
Other (as needed)				0.0	\$0	\$0 \$0	\$0
Engineering/construction				0.0	\$0	n/a	\$0
Land Record Keeping System	\$100	8-Aug-2007	8-Jul-2008	0.9	\$5	n/a	\$5
Record Reeping System Training/Sampling	\$100	0-Aug-2007	0-Jul-2000	0.0	\$0	n/a	\$0
Remediation/Disposal		2.2		0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs			expected	date of	compliance.	tion date and the fin	
Avoided Costs	ANN	UALIZE [1] avoid	lea costs perore e	0.0	\$0	\$0	\$0
Disposal Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling Supplies/equipment		**************************************		0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	120 5 0 5 5 0	Total de James La		0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0:
					eut finne i Teat Sinne nu de de		
Notes for AVOIDED costs							

Screening Date	19-Nov-2007	Docket	: No . 2007-1939-PST-E	}∘ P€W
	JE Jalaram Inc. dba JC	's Food Mart		Policy Revision 2 (September 2002)
Case ID No.				PCW Revision November 6, 2007
Reg. Ent. Reference No.				
	Petroleum Storage Tanl	K		
Enf. Coordinator Violation Number				
Rule Cite(s)				
	30 Tex. Admin. C	Code §§ 334.7(d)(3), 334.8 334.8(c)(5)(B	3(c)(4)(A)(vii), 334.8(c)(4)(B), and)(ii)	
Violation Description	30 days from the of registration was not upon status of the USTs. certificate by submitting	late of the occurrence of the dated to reflect the current Also, failed to timely renewant a properly completed US	ional information regarding UST; he change or addition. Specificall townership information and oper was previously issued UST deliver registration and self-certificationically, the delivery certificate expose.	y, rational ery on form
			Base F	Penalty \$10,000
>> Environmental, Property a	ınd Human Health N	Matrix		
Release	Harm Major Moderat	te Minor		,
OR Actual	Major Moderat	e Willion		
Potential			Percent 0%	
>>Programmatic Matrix Falsification	Major Moderal	te Minor		47.00
Talsilication	X Woderan		Percent 10%	
Matrix Notes	100% o	f the rule requirement was	s not met.	
			Adjustment	\$9,000
				\$1,000
	eniski um perekonseene nikurenti keun toepi karitekkeunti k			
Violation Events				
Number of Vic	plation Events 1	10	Number of violation days	to a contract of the contract
1	daily			***************************************
mark only one	monthly quarterly		Violation Base F	Penalty \$1,000
with an x	semiannual annual single event x			
One single e	vent is recommended ba	ased on documentation of investigation.	the violation during the August 8	3, 2007
Economic Benefit (EB) for th	is violation		Statutory Limit Test	
Estimated	d EB Amount	\$11	Violation Final Penalt	y Total \$1,020
	•	This violation Final A	ssessed Penalty (adjusted for	limits) \$1,020
		illiə violation Fillal P	issesseu i enaity (aujusteu iti	Ψ1,020

			. dba JC's Food Ma	art				
Nedia Petroleum Storage Tank Violation No. 3	Case ID No.	35036						
Violation No. 3 Percent Interest Depreciation 5.0 Depreciation	Reg. Ent. Reference No.	RN102485737						
Item Cost	Media	Petroleum Sto	rage Tank				Percent Interest	The state of the s
Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount	Violation No.	:3					T Grown interest	Depreciation
Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount		新国际联络 。					5.0	15
Delayed Costs	큐리 기존의 그 사람이 모르는 아	Itom Cost	Date Peguired	Final Date	Vre	Interest Saved	L-,-,-	****
Delayed Costs Equipment Buildings	물건이 하는 밥 때 하면 하게 되는다			i illai Date		microsi Gavea	Onethine dosts	LD Amount
Equipment Buildings	Item Description	No commas or \$	S. J. Bowellis Live	Para di Mark	Albanie,	Arabelan (Arab)		indiana (Alimbak
Equipment Buildings	and the second s		grand against the grant	The second secon	eg e e e j	a come succeeding the region of the rest.	generalis i vergen era ik	
Disposal Personnel				That the Auditor	7			
Cither (as needed) Engineering/construction								
Engineering/construction	•							
Land		<u> </u>						
Record Keeping System 0.0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0								
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Training/Sampling Remediation/Disposal Permit Costs No. 0.0 \$0 No.								
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) O.0 \$0 O.0							The state of the s	
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Standard Costs Submit an amended UST registration form to the TCEQ. The date required is 30 days prior to the expiration date of the delivery certificate and the final date is the date of compliance. Avoided Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) 0.0 \$0 \$0 \$0 0.0 \$0 \$0 \$0 0.0 \$0 \$0 0.0 \$0 \$0 0.0 \$0 \$0 0.0 \$0 \$0 0.0 \$0								
Notes for DELAYED costs Stimated cost to submit an amended UST registration form to the TCEQ. The date required is 30 days prior to the expiration date of the delivery certificate and the final date is the date of compliance. Avoided Costs								
Stimated cost to submit an amended UST registration form to the TCEQ. The date required is 30 days prior to the expiration date of the delivery certificate and the final date is the date of compliance. Avoided Costs	Permit Costs				J . U.U	φυ	A STATE OF THE PARTY OF THE PAR	. 40
Disposal Personnel Disposal								
Personnel		Estimated co	st to submit an ame ne expiration date o	ended UST registr f the delivery certif	ation for icate an	m to the TCEQ. To	ne date required is 3 he date of complian	30 days prior to ce.
Inspection/Reporting/Sampling 0.0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Notes for DELAYED costs Avoided Costs	Estimated co	st to submit an ame ne expiration date o	ended UST registr f the delivery certif	ation for icate an intering	m to the TCEQ. To d the final date is t item (except for	ne date required is 3 he date of complian one-time avoided o	30 days prior to ce.
Supplies/equipment	Notes for DELAYED costs Avoided Costs	Estimated co	st to submit an ame ne expiration date o	ended UST registr f the delivery certif	ation for icate and intering	m to the TCEQ. To d the final date is t item (except for	ne date required is 3 the date of complian one-time avoided c	30 days prior to ce. costs)
Financial Assurance [2]	Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated co	st to submit an ame e expiration date of NUALIZE [1] avoid	ended UST registr f the delivery certif	ation for icate and intering	m to the TCEQ. To define the final date is to leave the final date in the f	ne date required is 3 he date of complian one-time avoided c \$0 \$0	30 days prior to ce. costs) \$0
ONE-TIME avoided costs [3] 0.0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Estimated co	st to submit an ame e expiration date of NUALIZE [1] avoid	ended UST registr f the delivery certif	ation for icate an one of the original origina	m to the TCEQ. To the final date is to the final date in the final	ne date required is 3 he date of complian one-time avoided c \$0 \$0 \$0	30 days prior to ce. sosts) \$0 \$0 \$0
Other (as needed) 0.0 \$0 \$0	Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated co	st to submit an ame e expiration date of NUALIZE [1] avoid	ended UST registr f the delivery certif	ation for icate and ontering 0.0 0.0 0.0 0.0	m to the TCEQ. To d the final date is to litem (except for \$0 \$0 \$0 \$0 \$0	ne date required is 3 he date of complian one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	00 days prior to ce. 00 sots) 00 so
	Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co	st to submit an ame e expiration date of NUALIZE [1] avoid	ended UST registr f the delivery certif	ntering 0.0 0.0 0.0 0.0 0.0	m to the TCEQ. To d the final date is to litem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	ne date required is 3 he date of complian one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	30 days prior to ce. Sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for AVOIDED costs	Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co	st to submit an ame e expiration date of NUALIZE [1] avoid	ended UST registr f the delivery certif	ation for icate and ontering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	m to the TCEQ. To d the final date is to litem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ne date required is 3 he date of complian one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	30 days prior to ce. Sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Notes for AVOIDED costs	Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co	st to submit an ame e expiration date of NUALIZE [1] avoid	ended UST registr f the delivery certif	ation for icate and ontering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	m to the TCEQ. To d the final date is to litem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ne date required is 3 he date of complian one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	30 days prior to ce. Sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
	Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated co	st to submit an ame e expiration date of NUALIZE [1] avoid	ended UST registr f the delivery certif	ation for icate and ontering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	m to the TCEQ. To d the final date is to litem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ne date required is 3 he date of complian one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	30 days prior to ce. Sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
	Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated co	st to submit an ame e expiration date of NUALIZE [1] avoid	ended UST registr f the delivery certif	ation for icate and ontering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	m to the TCEQ. To d the final date is to litem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ne date required is 3 he date of complian one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	30 days prior to ce. Sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
	Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated co	st to submit an ame e expiration date of NUALIZE [1] avoid	ended UST registr f the delivery certif	ation for icate and ontering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	m to the TCEQ. To d the final date is to litem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ne date required is 3 he date of complian one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	30 days prior to ce. Sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
	Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated co	st to submit an ame e expiration date of NUALIZE [1] avoid	ended UST registr f the delivery certif	ation for icate and ontering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	m to the TCEQ. To d the final date is to litem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ne date required is 3 he date of complian one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	80 days prior to ce. Sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	19-Nov-2007	Docket No. 2007-1939-PST-E	∂ PCW ⊴
Respondent	JE Jalaram Inc. dba JC's Food Mart		Policy Revision 2 (September 2002)
Case ID No.			PCW Revision November 6, 2007
Reg. Ent. Reference No.			
	Petroleum Storage Tank		
Enf. Coordinator	Philip DeFrancesco		
Violation Number	4		
Rule Cite(s)	30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a	a)
>> Environmental, Property a Release OR Actual Potential >> Programmatic Matrix Falsification	Failed to make available to a commo before accepting delivery of a regulate deliveries were acceptions and Human Health Matrix Harm Major Moderate Minor Major Moderate Minor	percent 0%	rtificate ight fuel Penalty \$10,000
		oposed to insignificant amounts of pollutant an health or environmental receptors as a re lation. Adjustment	
Violation Events			
AIOIGIOI EVEILS			
Number of Vic	daily daily monthly	8 Number of violation days	
mark only one with an x	quarterly semiannual annual single event x	Violation Base	Penalty \$4,000
	Eight single events (one event pe	er fuel drop) are recommended.	
Economic Benefit (EB) for th	s violation	Statutory Limit Test	
Estimated	I EB Amount	\$0 Violation Final Penals	ty Total \$4,080
	This	tion Final Accessed Panelly (adjusted for	(Filmits) \$4,080
	i nis violat	ion Final Assessed Penalty (adjusted for	Timits)

	RN102485737 Petroleum Stor	age Tank			,	Percent Interest	Years of Depreciation
Violation No.	4 Stippystins of these	.en tio neadocana en	elikarjan arajan jer		a ngalaga bajin	5.0	Standard Company
		B.4. B	Final Data	V	Interest Saved	Onetime Costs	15 EB Amount
	Item Cost	Date Required	Final Date	TIS	interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$. 134			n die Gebau van de Bebei	a Modalina da Laba
Delayed Costs		ing resolution		· 19			et is terriby.
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System		£"		0.0	\$0	n/a t	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	www.m/awww.#/n	\$0
. Permit Costs			1.00	0.0	\$0	n/as silve	\$0
Other (as needed)				0.0	\$0	n/a*****	\$0
Notes for DELAYED costs	×	IIAI IZE [1] avoid	ing Taganan kanalan	include	d in Violation No. 3	3.	
Notes for DELAYED costs Avoided Costs	ANN	UALIZE [1] avoid	ing Taganan kanalan	include	d in Violation No.	3. one-time avoided c	osts)
Notes for DELAYED costs Avoided Costs Disposal	ANN	UALIZE [1] avoid	ing Taganan kanalan	include	d in Violation No. 3	3. one-time avoided c	osts) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel	ANN	7	ing Taganan kanalan	include	d in Violation No.	3. one-time avoided c	osts)
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	ANN	7	ing Taganan kanalan	ntering	d in Violation No. 3	one-time avoided c	osts) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel	ANN	7	ing Taganan kanalan	ntering 0.0 0.0 0.0	d in Violation No. 3	one-time avoided c	osts) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN		ed costs before e	ntering 0.0 0.0 0.0 0.0	d in Violation No. 3 Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN		ed costs before e	ntering 0.0 0.0 0.0 0.0 0.0	d in Violation No. 3 Item (except for \$0 \$0 \$0 \$0 \$0	3. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening	Date 19-Nov-2007	Do	cket No. 2007-1939-PST-		PCW
la company of the com		c. dba JC's Food Mart		Policy Re	evision 2 (Seplember 2002)
If the control is a second of the control is a second of the control is a second or control in the second or control is a second	D No. 35036			PCW F	Revision November 6, 2007
Reg. Ent. Referenc					
	atute] Petroleum Sto				
Ent. Coordi Violation N	nator Philip DeFranc	cesco			
1	Cite(s)				
		30 Tex. Admin. C	Code § 334.48(c)		
Violation Desci		onduct effective manual or auto volved in the retail sale of petr			
				Base Penalty	\$10,000
>> Environmental, Prop	erty and Human I	Health Matrix			
	STEEL MANNES MANTE - I WY ME - A MEE'S CANDES AND EPPME. IN STEEL FROM A PROPERTY OF THE STEEL FROM A STEEL F	Harm	AND THE DRIVEN SERVICES OF THE SERVICE STREET, AND	hubbaceEninger	
11 3 P. P. (12 14 14 10 10 11 14 1	elease Major Actual	Moderate Minor			
Constativing Nation	otential x		Percent	25%	
	3.011				
>>Programmatic Matrix					ż
Falsifi	ication Major	Moderate Minor	Bt	00/	
			Percent	0%	
		T system inventories could exp sed levels that are protective o as a result of the vio	f human health or environme		
Contract Co			Adjustment	\$7,500	
The state of the s	et y e. e. a billionne (colobbio et a v. et 2000). La colobbio et a 1966 de la colobbio et 200 et 2000 de 200	and a house and approximate leading to the property of the control of of t			£0.500
					\$2,500
Violation Events					
Numbe	er of Violation Events	2	103 Number of violati	on days	
mark o with		X	Violatio	n Base Penalty[\$5,000
Тwo q		commended based on docume vestigation to the November 1		g the August 8,	
Economic Benefit (EB)	for this violation		Statutory Lim	it Test	
Est	timated EB Amount	\$23	Violation Fina	il Penalty Total	\$5,100
	_				ØE 400
		inis violation Fil	nal Assessed Penaity (adju	steu ior iimits)[\$5,100

	E	conomic	Benefit W	orks	sheet		
Respondent	JE Jalaram Inc.	dba JC's Food M	art	An Alban II	des a different anno e		
Case ID No.							
Reg. Ent. Reference No.							
		an Took					Years of
	Petroleum Stora	age rank				Percent Interest	Depreciation
Violation No.	5	El nombre de la compressión de la comp	a gyayan basang kabang	ayenayin s	anger a la gaga da k	PER MEMBERS	Depreciation
실시 경험 회사를 받아 나는 그 얼마나 그는				THE ME		5.0	15
강강성과 [기문의 등 기계로 시문의 기문	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
all Mingalism of Alberta transfer that			and an all Markets, the resident	Viliandi i e. 1		. 1 to	. 28
Delayed Costs		ej nijevoj verje ili		W 37		savesta tradicia	1,1017 (1,100%)
Equipment			1	0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction			i	0.0	\$0	\$0	\$0
Land		7		0.0	\$0	n/a	\$0
Record Keeping System				0.0	- \$0	n/a	\$0
Training/Sampling		1111111		0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/asirus	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	8-Aug-2007	8-Jul-2008	0.9	\$23	n/a	\$23
Notes for DELAYED costs Avoided Costs			final date is the e	xpected	date of complianc	red is the investigati e. one-time avoided c	
Disposal		a. 1 2 4 .	1 11 11 11 11 11	0.0	\$0	\$0	\$0
Personnel		The same has the	num no supularita	0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling		1000000		0.0	\$0	\$0	\$0
Supplies/equipment	4.2	1487.4.144.141	PARTIES TO SERVE	0.0	\$0	\$0	\$0
Financial Assurance [2]	2 - 14	u ned elektronich S		0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]			profesionare di 15	0.0	\$0	\$0	\$0
Other (as needed)	2.11 . 1.1			0.0	\$0	\$0	\$0
Notes for AVOIDED costs							
				1000			

Compliance History

Custom	ner/Respondent/Owner-O	perator:	CN603233735	JE Ja	laram Inc.		Classificat	ion: AVERAGE	Rating: 1.50
Regula	ted Entity:		RN102485737	JC'S	FOOD MART		Classificat	ion: AVERAGE	Site Rating: 1.50
ID Num	ber(s):		PETROLEUM ST REGISTRATION		TANK	REGISTR	ATION		25733
Location	1:		5801 JOHN STO	CKBAUE	ER DR, VICTORIA, TX	X, 77904	Rating Da	te: 9/1/2007 Repe	at Violator: NO
TCEQ I	Region:		REGION 14 - CO	RPUS C	HRISTI				
Date-Co	ompliance History Prepare	ed:	December 03, 20	07					
Agency	Decision Requiring Com	pliance History:	Enforcement						
Complia	ance Period:		December 03, 20	02 to De	cember 03, 2007				
TCEQ S	Staff Member to Contact f	or Additional Info	rmation Regarding t	his Com	pliance History -				
Name:	Philip DeFranc	esco	Ph	one:	(817) 588-5933			· -	•
			Site C	omplia	nce History Comp	onents			
1. Has t	the site been in existence	and/or operation				Yes			
	there been a (known) cha	•	•		•	Yes			
3. If Yes	s, who is the current owne	er?				Je Jalara	m Inc.		
4. if Ye	s, who was/were the prio	r owner(s)?				Evans Sys	tems, Inc.		
			•			Dayavan K	(iran D and Pat	el Jayesh	
5. Whe	n did the change(s) in ow	nership occur?				05/26/200			
						08/21/200	6		
Comp	onents (Multimedia) f							•	
A.	Final Enforcement Ord	ders, court judgm	ents, and consent d	ecrees o	f the state of Texas a	nd the federal	government.		
	N/A								
В.	Any criminal conviction	ns of the state of	Texas and the federa	al govern	nment.				
C.	N/A Chronic excessive emi	ssions events							
· ·	N/A		•					•	
D.	The approval dates of	investigations. (C	CEDS Inv. Track. N	o.)					
	1 10/24/2006	(515962)							•
	2 11/06/2007	(573228)							
E.	Written notices of viola		EDS Inv. Track. No.)					
	Date: 10/24/20	, ,			•				
	Self Report? Citation:	NO 30 TAC Chant	er 334, SubChapter	C 334 5	Classifica	tion: Mo	derate		
	Description:	Failure to cap,	plug, lock, and/or of and ancillary equipr	therwise	secure all piping, pur prevent access, tampe	nps, manways ering, or vand	s, tank alism by		
F.	Environmental audits.								
	N/A								
G.	Type of environmental	management sys	tems (EMSs).						
	N/A								
H.	Voluntary on-site comp	liance assessme	nt dates.				\		
	N/A								
I.	Participation in a volun	tary pollution redu	iction program.						
	N/A								
J.	Early compliance.								
	N/A								

Sites Outside of Texas

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
JE JALARAM, INC. DBA JC'S FOOD	§	
MART;	§	ENVIRONMENTAL QUALITY
RN102485737		

DEFAULT AND SHUTDOWN ORDER

DOCKET NO. 2007-1939-PST-E

At its _______ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to Tex. Water Code chs. 7 and 26 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty, corrective action of the respondent, and revocation of the respondent's fuel delivery certificate. The Commission also considered the Executive Director's Motion requesting entry of an Order requiring the respondent, JE Jalaram, Inc. dba JC's Food Mart ("JE Jalaram"), to shutdown or remove from service the Underground Storage Tanks ("USTs") at the JC's Food Mart facility, located at 5801 John Stockbauer Drive, Victoria, Victoria County, Texas.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

- 1. JE Jalaram owns and operates a convenience store with retail sales of gasoline, located at 5801 John Stockbauer Drive, Victoria, Victoria County, Texas (the "Facility").
- 2. The USTs at the Facility contain regulated substances as defined in the Commission's rules. The USTs are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
- 3. On August 8, 2007, an investigator from the TCEQ Corpus Christi Regional Office documented that JE Jalaram:
 - a. Failed to provide a method of release detection capable of detecting a release from any portion of the UST system which contained regulated substances;

- b. Failed to have the required UST records maintained, readily accessible, and make them available for inspection upon request by agency personnel;
- c. Failed to notify the agency of any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition. Specifically, the registration was not updated to reflect the current ownership information and the operational status of the USTs. Also, failed to timely renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. Specifically, the delivery certificate expired on June 30, 2005;
- d. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs. Specifically, eight fuel deliveries were accepted without a delivery certificate; and
- e. Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel.
- 4. By letter dated November 6, 2007, the TCEQ Corpus Christi Regional Office provided JE Jalaram with notice of the violations and the TCEQ's authority to shut down and remove from service USTs not in compliance with release detection, spill and/or overfill prevention, and corrosion protection regulations if the violations were not corrected.
- 5. JE Jalaram received notice of the violations on or about November 6, 2007.
- 6. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of JE Jalaram, Inc. dba JC's Food Mart" (the "EDPRP") in the TCEQ Chief Clerk's office on May 19, 2008.
- 7. By letter dated May 19, 2008, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served JE Jalaram with notice of the EDPRP. According to the return receipt "green card," JE Jalaram received notice of the EDPRP on May 22, 2008, as evidenced by the signature on the card.
- 8. More than 20 days have elapsed since JE Jalaram received notice of the EDPRP, provided by the Executive Director. JE Jalaram failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

- 9. By letter dated January 9, 2009, TCEQ provided JE Jalaram with notice of TCEQ's intent to order the USTs at the Facility shut down and removed from service if JE Jalaram failed to correct the release detection violation within 30 days after JE Jalaram's receipt of the notice.
- 10. As of the date of entry of this Order, JE Jalaram has not corrected the violations noted during the August 8, 2007, investigation.
- 11. The USTs at the Facility do not have release detection as required by 30 Tex. ADMIN. CODE § 334.50 and may be releasing petroleum products to the environment without the knowledge of the tank owner or operator. Therefore, conditions at the Facility constitute an imminent peril to public health, safety, and welfare.

CONCLUSIONS OF LAW

- 1. JE Jalaram's USTs are subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26, and the rules of the Commission.
- 2. As evidenced by Finding of Fact Number 3.a., JE Jalaram violated 30 Tex. ADMIN. CODE § 334.50(a)(1)(A) and Tex. Water Code § 26.3475(c)(1), by failing to provide a method of release detection capable of detecting a release from any portion of the UST system which contained regulated substances.
- 3. As evidenced by Finding of Fact Number 3.b., JE Jalaram violated 30 Tex. ADMIN. CODE § 334.10(b), by failing to have the required UST records maintained, readily accessible, and make them available for inspection upon request by agency personnel.
- 4. As evidenced by Finding of Fact Number 3.c., JE Jalaram violated 30 Tex. ADMIN. CODE §§ 334.7(d)(3), 334.8(c)(4)(A)(vii), 334.8(c)(4)(B) and 334.8(c)(5)(B)(ii), by failing to notify the agency of any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition. Specifically, the registration was not updated to reflect the current ownership information and the operational status of the USTs. Also, filed to timely renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 day s before the expiration date. Specifically, the delivery certificate expired on June 30, 2005.
- 5. As evidenced by Finding of Fact Number 3.d., JE Jalaram violated 30 Tex. ADMIN. CODE § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a) by failing to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs. Specifically, eight fuel deliveries were accepted without a delivery certificate.

- 6. As evidenced by Finding of Fact Number 3.e., JE Jalaram violated 30 Tex. ADMIN. CODE § 334.48(c) by failing to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel.
- 7. As evidenced by Finding of Fact Nos. 6 and 7, the Executive Director timely served JE Jalaram with proper notice of the EDPRP, as required by Tex. WATER CODE § 7.055 and 30 Tex. ADMIN. CODE § 70.104(a).
- 8. As evidenced by Finding of Fact No. 8, JE Jalaram failed to file a timely answer to the EDPRP, as required by Tex. Water Code § 7.056 and 30 Tex. Admin. Code § 70.105. Pursuant to Tex. Water Code § 7.057 and 30 Tex. Admin. Code § 70.106, the Commission may enter a Default Order against JE Jalaram and assess the penalty recommended by the Executive Director.
- 9. Pursuant to Tex. Water Code § 7.051, the Commission has the authority to assess an administrative penalty against JE Jalaram for violations of the Texas Water Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
- 10. An administrative penalty in the amount of sixteen thousand three hundred twenty dollars (\$16,320.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in Tex. Water Code § 7.053.
- 11. As evidenced by Finding of Fact No. 10, JE Jalaram failed to correct documented violations of Commission requirements within 30 days after JE Jalaram received notice of the violations and notice of the Executive Director's intent to shut down the Facility.
- 12. Tex. Water Code § 26.3475(e) authorizes the Commission to order a UST owner or operator to shut down a UST system if, within 30 days after receiving notice of the violations, the owner or operator fails to correct violations of Commission regulatory requirements relating to release detection for tanks and/or piping, spill and overfill protection for tanks, and/or corrosion protection for tanks and piping.
- 13. Tex. Water Code §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.
- 14. Pursuant to 30 Tex. ADMIN. CODE § 334.8(c)(6), the Commission has authority to revoke JE Jalaram's UST delivery certificate if the Commission finds that good cause exists.

- 15. Good cause for revocation of JE Jalaram's UST delivery certificate exists as justified by Findings of Fact Nos. 6 through 8 and Conclusions of Law Nos. 7 through 8.
- 16. As evidenced by Finding of Fact Number 11, current conditions at the Facility constitute an imminent peril to public health, safety and welfare. Therefore, pursuant to the Administrative Procedure Act, Tex. Gov't Code § 2001.144(a)(3), this Order is final and effective on the date rendered.

ORDERING PROVISIONS

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALTIY that:

- 1. Immediately upon the effective date of this Order, JE Jalaram shall take the following steps to shut down operations of all USTs at the Facility:
 - a. Cease dispensing fuel from the USTs;
 - b. Cease receiving deliveries of regulated substances into the USTs;
 - c. Padlock the dispensers;
 - d. Empty the USTs of all regulated substances in accordance with 30 Tex. ADMIN. CODE § 334.54(d); and
 - e. Temporarily remove the USTs from service in accordance with 30 Tex. ADMIN. CODE § 334.54.
- 2. JE Jalaram's UST delivery certificate is revoked immediately upon the effective date of this Order. JE Jalaram may submit an application for a new delivery certificate only after JE Jalaram has complied with <u>all</u> of the requirements set forth in these Ordering Provisions.
- 3. Within 10 days after the effective date of this Order, JE Jalaram shall send its UST delivery certificate to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Within 15 days after the effective date of this Order, JE Jalaram shall submit to the Executive Director a detailed written report documenting the steps it has taken to comply with Ordering Provision Nos. 1.a. through 1.e. and 3. JE Jalaram shall submit the report to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

and

Mr. Brad Genzer, Waste Section Manager Texas Commission on Environmental Quality Corpus Christi Regional Office NRC Building, Suite 1200 6300 Ocean Drive, Unit 5839 Corpus Christi, Texas 78412-5839

5. If JE Jalaram elects to permanently remove from service any USTs at the Facility, JE Jalaram shall permanently remove those USTs in accordance with 30 Tex. ADMIN. CODE § 334.55, and shall submit to the Commission a written report documenting compliance with 30 Tex. ADMIN. CODE § 334.55. JE Jalaram shall submit the written report to:

Petroleum Storage Tank Registration Team, MC 138 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

6. JE Jalaram is assessed an administrative penalty in the amount of sixteen thousand three hundred twenty dollars (\$16,320.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and JE Jalaram's compliance with all the terms and conditions set forth in this Order completely resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality." The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: JE Jalaram, Inc. dba JC's Food Mart; Docket No. 2007-1939-PST-E" to:

> Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 7. JE Jalaram's USTs shall remain out of service as directed by Ordering Provision Nos. 1.a. through 1.e. until such time as JE Jalaram demonstrates to the satisfaction of the Executive Director that it has corrected the violations noted in Finding of Fact Nos. 3.a through 3.e and Conclusion of Law Nos. 2 through 6 as listed herein.
- 8. Prior to resuming retail sales of gasoline, JE Jalaram shall begin conducting effective manual or automatic inventory control procedures for all USTs, in accordance with 30 Tex. Admin. Code § 334.48;
- 9. Prior to receiving deliveries of gasoline, JE Jalaram shall:
 - a. Begin maintaining all UST records, in accordance with 30 Tex. ADMIN. CODE § 334.10;
 - b. Implement a release detection method for all USTs at the Facility, in accordance with 30 Tex. ADMIN. CODE § 334.50.
 - c. Submit an application for a new delivery certificate.
- 10. Within 10 days of resuming retail sales of gasoline, JE Jalaram shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 8. through 9. The written certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and, that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

and

Mr. Brad Genzer, Waste Section Manager Texas Commission on Environmental Quality Corpus Christi Regional Office NRC Building, Suite 1200 6300 Ocean Drive, Unit 5839 Corpus Christi, Texas 78412-5839

- 11. Upon obtaining a new delivery certificate, JE Jalaram shall post the delivery certificate in a location where the document is clearly visible at all times, in accordance with 30 Tex. ADMIN. CODE § 334.8(c)(5)(A)(iii).
- 12. All relief not expressly granted in this Order is denied.
- 13. The provisions of this Order shall apply to and be binding upon JE Jalaram, and JE Jalaram is ordered to give notice of this Order to personnel who maintain day to day control of the USTs at the Facility.
- 14. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas for further enforcement proceedings without notice to JE Jalaram if the Executive Director determines that JE Jalaram is noncompliant with or in violation of any of the terms and conditions set forth in this Order.
- 15. This Order shall terminate five years from its effective date or when JE Jalaram demonstrates to the satisfaction of the Executive Director that it has corrected all of the violations noted herein.
- 16. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order is the date this decision was rendered, pursuant to Tex. Gov'T CODE § 2001.144(a)(3).

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF BARHAM A. RICHARD

STATE OF TEXAS
COUNTY OF TRAVIS

"My name is Barham A. Richard. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of JE Jalaram, Inc. dba JC's Food Mart" (the "EDPRP") was filed with the Office of the Chief Clerk on May 19, 2008.

The EDPRP was mailed to JE Jalaram at its last known address on May 19, 2008, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," JE Jalaram received notice of the EDPRP on May 22, 2008, as evidenced by the signature on the card.

More than 20 days have elapsed since JE Jalaram received notice of the EDPRP. JE Jalaram failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

By letter dated January 9, 2009, I provided JE Jalaram with notice of the TCEQ's intent to order the USTs at the Facility shut down and removed from service if the violations pertaining to release detection were not corrected within 30 days of JE Jalaram's receipt of the letter.

As of the date of this affidavit, I am not aware of any evidence that indicates that JE Jalaram has corrected the violations noted during the August 8, 2007, investigation."

Barham A. Richard, Attorney

Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Barham A. Richard, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Before me, the undersigned authority, on this day personally appeared Barham A. Richard, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this // day of fel

day of *Few MM* A.D., 2009.

Notary Signature

Dawn Elizabeth Higgins
Notary Public
State of Texas
My Commission Expires
December 02, 2012

NOTARY WITHOUT BOND